

# Citizens' Crime Commission

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# Oregon Corrections & Public Safety- Costs and Policies

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- Crime rates and perceptions
- Operational costs
- Sentencing driven growth
- Cost-Benefit in Public Safety
- What about this session?

# Oregon Crime Rates

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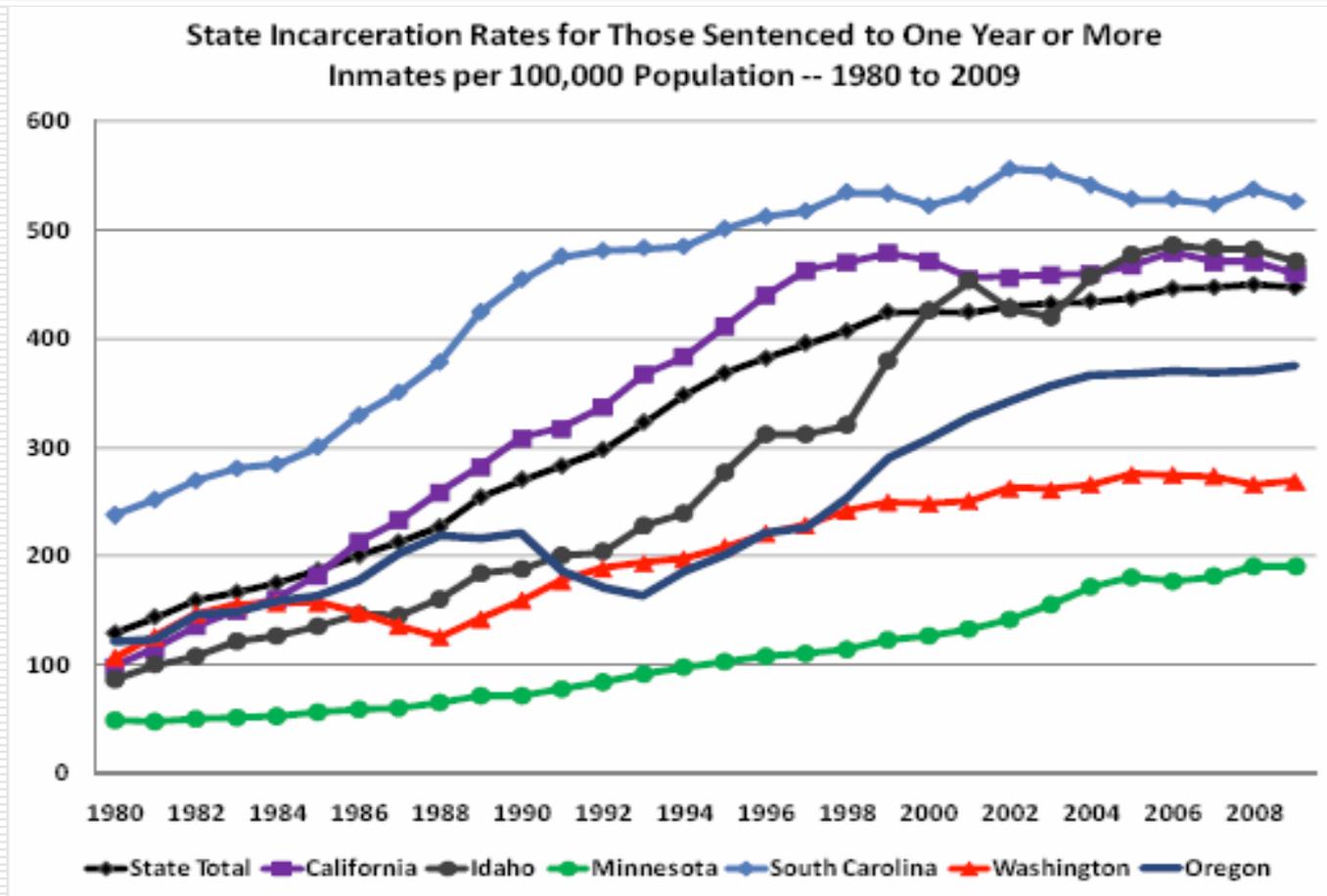
- ❑ Violent and Property Crime at 40 year low (FBI UCR)
- ❑ Largest decreases in property crime in the country in the last 5 years
- ❑ Do not assume citizens “feel” safe

# Incarceration Trends

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- Below U.S. average – 28<sup>th</sup> highest rate
  - Tripled since 1980, Nation nearly quadrupled
- Since the 90's Oregon's incarceration rate has increased faster than the U.S. average
- M73 and reinstatement of M57 will increase need for prison beds

# Incarceration Rates



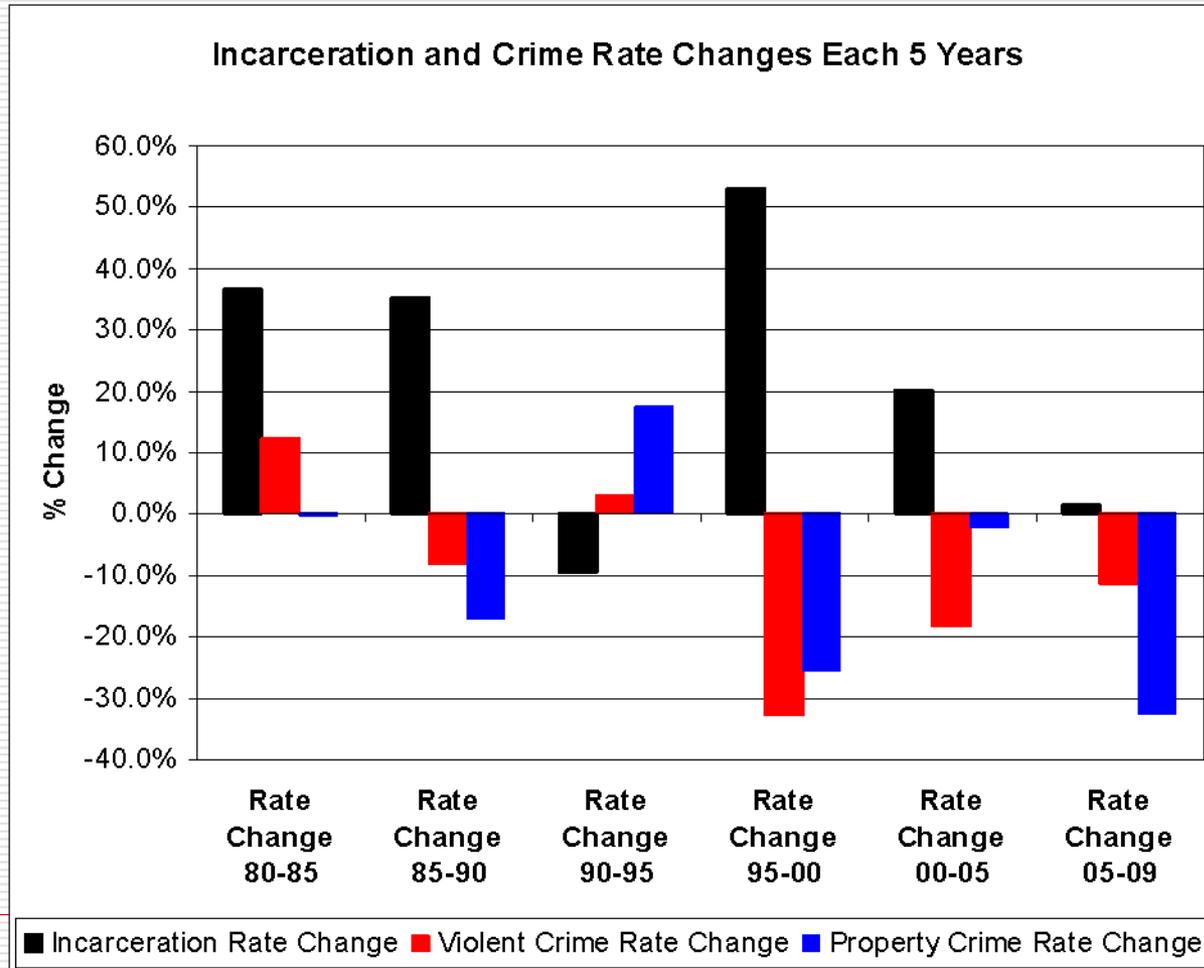
# How clear is the prison & crime connection?

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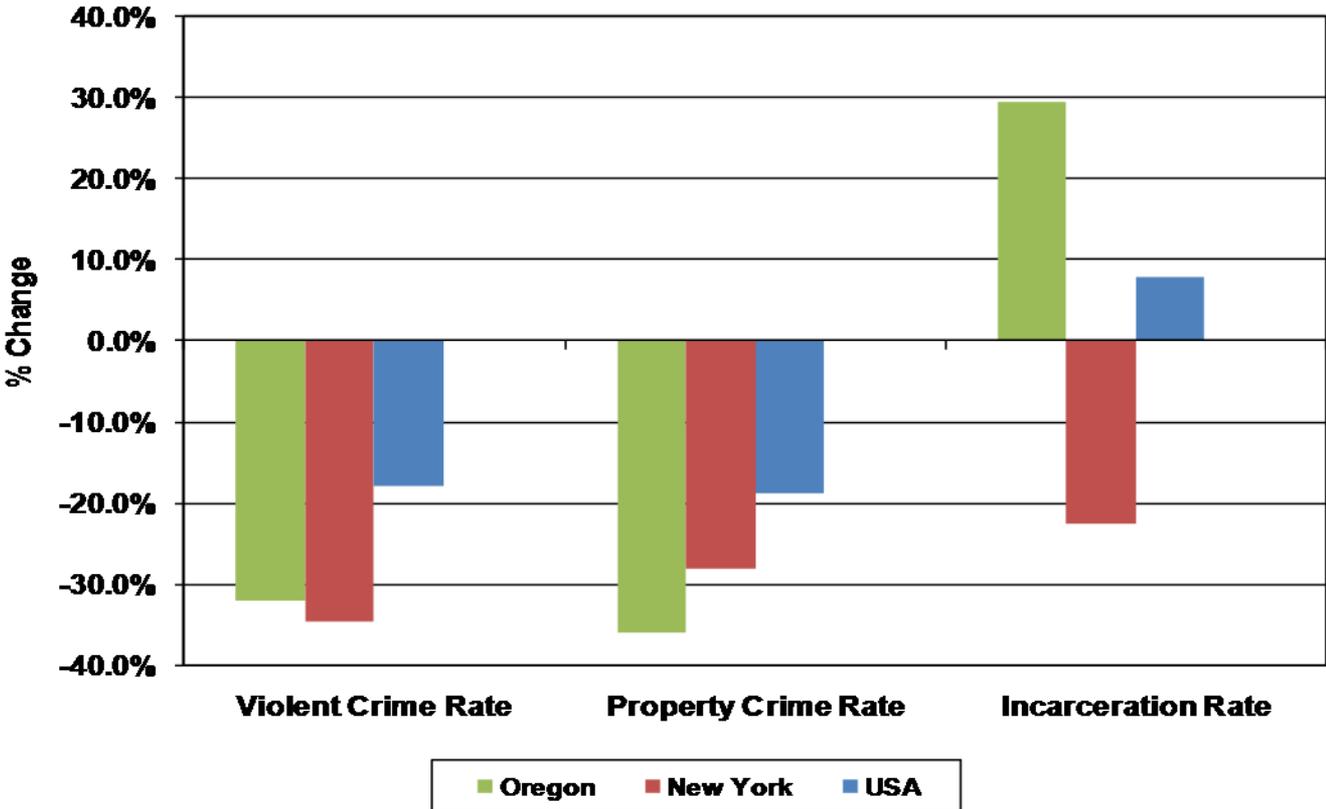
- Spellman effect- control other factors
  - 10% increase = 2-4% Decrease
  - Incarceration increased 65% since 95
  - Explains a 15% reduction 95-09
  - Violent & Property Crime down 50%
  - Diminishing marginal return
  - Which offenders matters
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# It is more complex than that

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### Incarceration and Crime Rate Changes 1999-2009



# DOC's Budget Box

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## Fiscal Constraints

- General Fund \$1.2 B
- Personnel costs—the majority of DOC's budget is dedicated to operating institutions
- Initiative/referendum—unfunded requirements
- Unfunded overtime liability
- Community Corrections—opt out provision
- Outdated relief factor

## Compensation Constraints

- Employee salaries
- Health insurance costs
- PERS rates/obligations
- Statutory limitations and court decisions



## Sentencing Policy Constraints

- Measure 11
- 2/3 vote of the legislature to change voter-approved sentencing
- Measure 57
- Oregon Constitution—Article 1, Section 44—sentences cannot be altered except in resentencing court
- Measure 73



## Constitutional and Statutory Constraints

- Health care mandates
- No release authority
- Federal and state court decisions

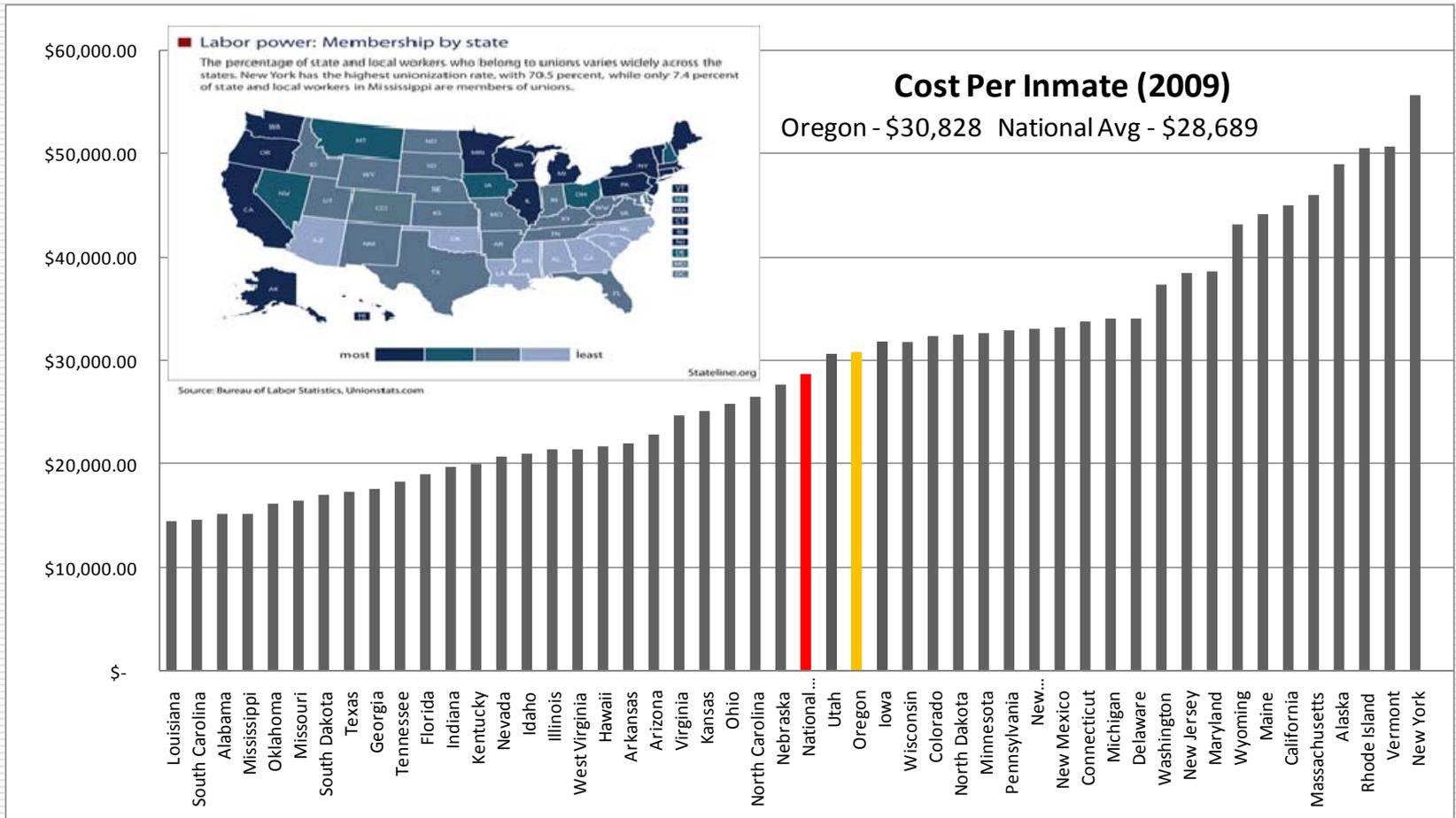
# The three dials of DOC Cost

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- ❑ The size of the net – how many people we send to prison
- ❑ The length of stay for inmates
- ❑ Salary and benefits for the people who supervise the inmates

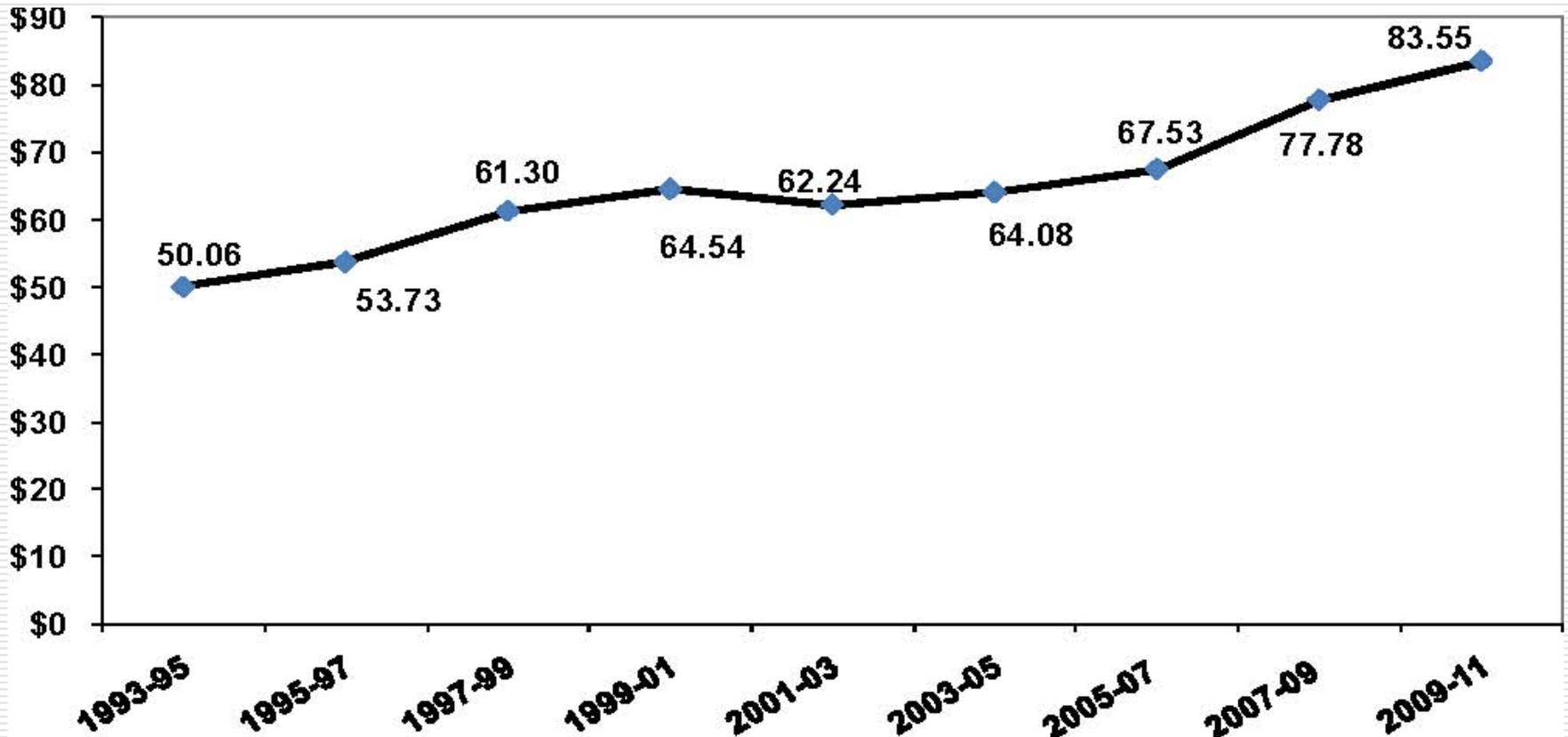


# National Cost Per Inmate

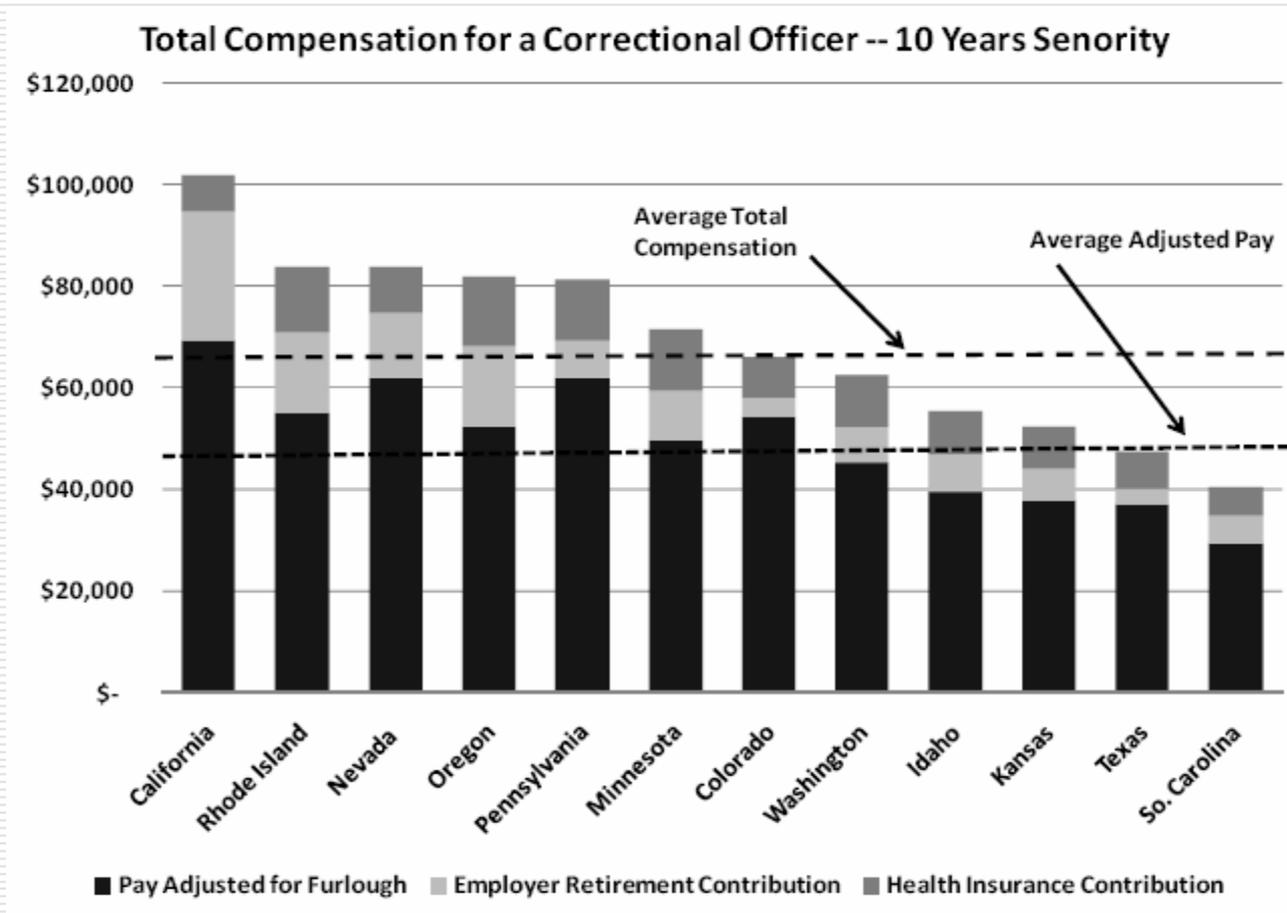


# Direct Cost Per Day of Inmate 1993-95 to 2009-11

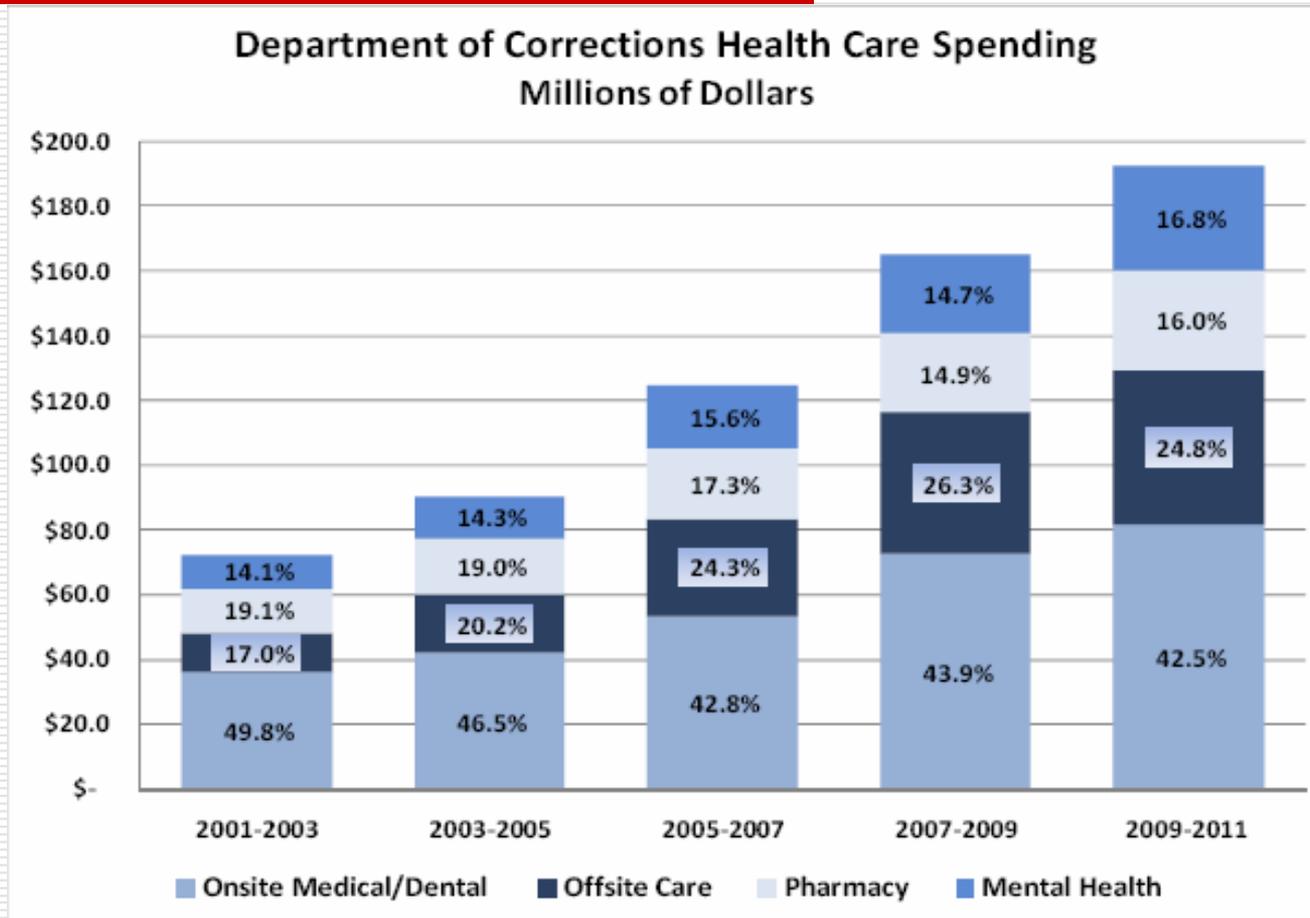
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# Compensation for Correctional Officers

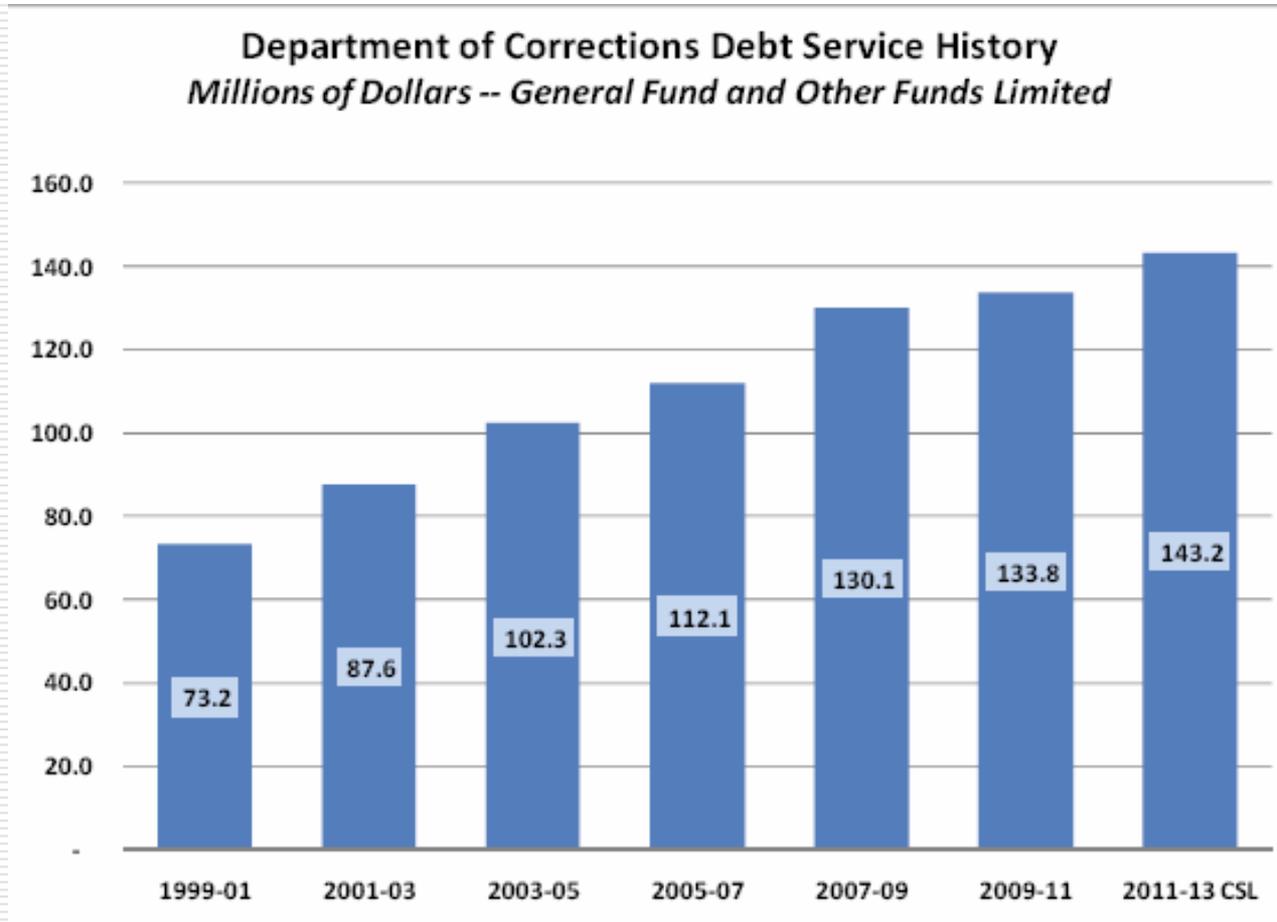


# Health Care Spending



# Debt Service History

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# Current Sentencing Policy

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- ❑ The current sentencing structure grows our need for prison beds by 2500 over the “decade of deficits”
  - ❑ Is the forecast a thermometer or a thermostat?
  - ❑ Starting question: Do we agree that we need to control this growth?
  - ❑ How do we do that and maintain public safety?
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# Long and Short Term Changes

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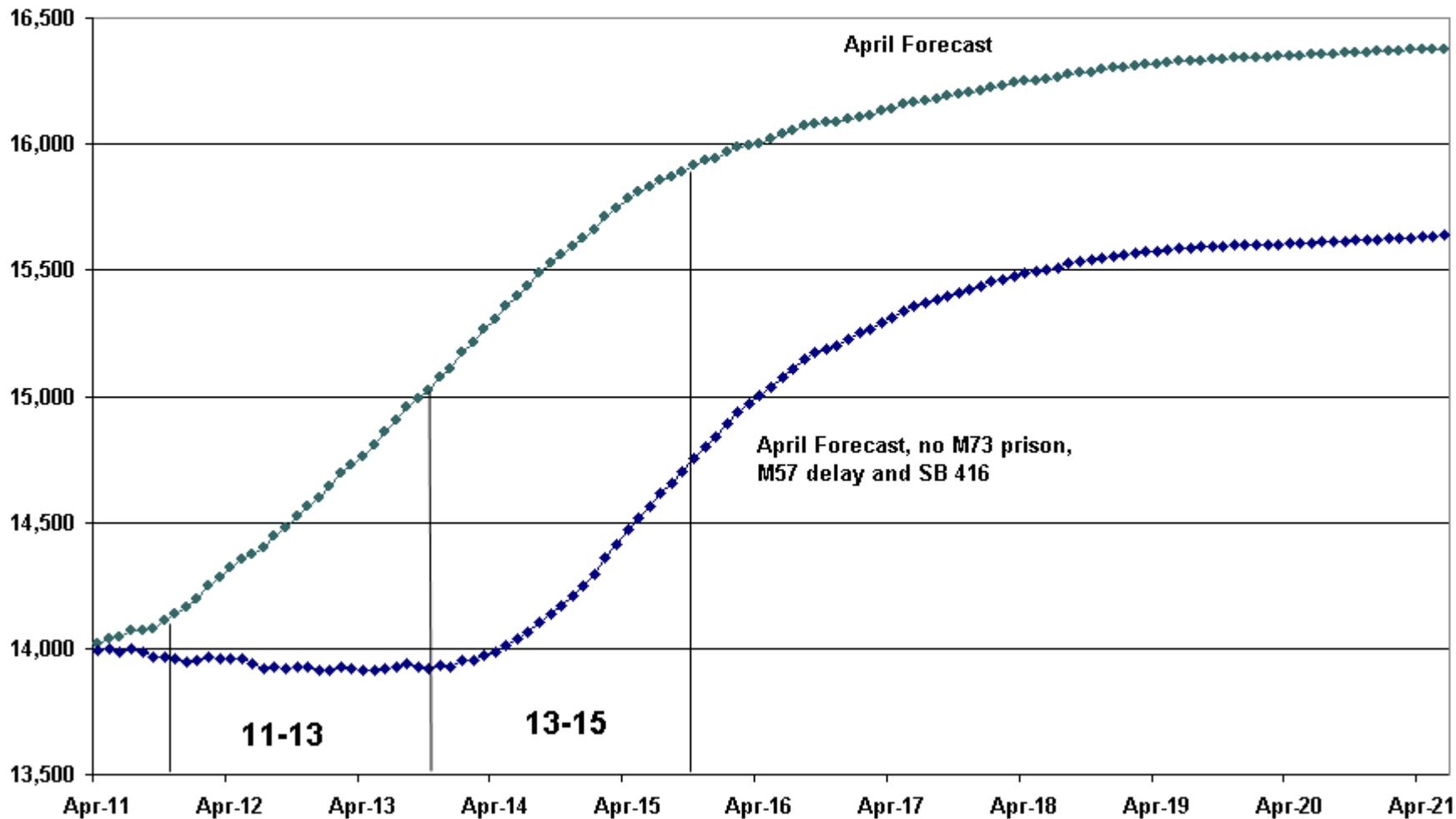
- Short Term (2011-2013) “intake control” or “early release”
  - Long term: comprehensive sentencing guidelines
    - Public Safety informed by best evidence
    - Incorporate the spirit of initiatives
    - By-product of citizen initiatives: legislative and judicial branch have lost control of individual sentencing decisions
    - Who decides based on what information?
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# 2011-13 Answers

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- ❑ Key: a 10 year or 2 year sentence costs the same in 2011-2013
- ❑ Over 4,300 went to prison in 2010 for a new crime, 2,000 are "non-violent"
- ❑ HB 2423 (M57 Delay)
- ❑ HB 2424 (M73 Delay) SB 395 (tweak)
- ❑ SB 416 Divert and incentive

# Prison Forecast with Policy Options



# Most Prison Intakes are Impacted by Voter Approved Initiatives (2/3)

Top 20 Prison Intakes, 2010			
Crime	N	Cumm. %	Sentencing Structure
BURG I	401	8%	Guidelines/M57
THEFT I	248	15%	M57
DELIV METH	220	20%	Guidelines/M57
ID THEFT	219	26%	M57
UN USE VEH	191	30%	M57
ROBB II	153	34%	M11/Guidelines
SEXAB I	137	37%	M11
DUII-FELON	129	41%	M73/Guidelines
ASSA IV CF	129	44%	Guidelines
ASSA III	128	47%	Guidelines/M11 Plea
ASSA II	126	50%	M11/Guidelines
FELON WEAP	119	52%	Guidelines
BURG II	98	54%	M57
ASSA II AT	97	57%	Guidelines/M11 Plea
DEL HEROIN	88	58%	Guidelines/M57
SEXAB II	87	60%	Guidelines/M11 Plea
ROBB I	84	62%	M11
SEXAB I AT	83	64%	Guidelines/M11 Plea
THEFT AGGR	79	65%	M57
WEAP USE	77	67%	Guidelines

# Critical Sentencing Question

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- ❑ Which actor in the criminal justice system is best situated to apply sentencing law in an individual case?
  - ❑ Should a party opponent or the judge evaluate the offense, the offender, and the impact to the victim
  - ❑ 22 states and federal system answer that a guidelines system is the best balance of legislative, executive, and judicial powers
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# Modern Sentencing Guidelines

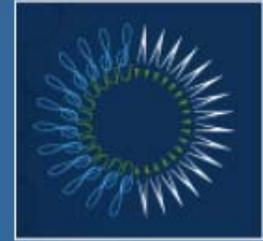
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- ❑ Public Safety Focused: Guided by 20 years of corrections research and criminology
- ❑ Discretion moved back to neutral judicial officer
- ❑ Use 9000 beds built since 1989
- ❑ Guide discretion openly and transparently- currently unguided

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Is there public support for  
sentencing reform?

# Methodology:



**On behalf of the Pew Center on the States, Public Opinion Strategies conducted phone interviews with 1,200 registered voters (1,080 landline and 120 cell phone only respondents) on March 7-14, 2010 with a margin of error of  $\pm 2.83\%$ .**

**For this survey, we used a replicate sample format. The total number of 1,200 interviews were segmented into replicate samples of 600 each. The samples thus mirrored each other in terms of demographic and geographic characteristics.**



## **Voters have a few fundamental thoughts about public safety...**

- 1. The emphasis must be on keeping communities and people safe, first and foremost.**
- 2. Without question, voters want a strong public safety system where criminals are held accountable and there are consequences for illegal activities**
- 3. They do believe a strong public safety system is possible while reducing the size and cost of the prison system.**

**Voters are also supportive though of reducing prison time as a sentencing option IF there are mechanisms that will hold them accountable and make people feel safe.**

Message	% Strongly Favor	% Total Favor
Reduce prison time for low-risk, non-violent offenders so that state funding can be used to keep violent criminals in prison for their full sentence.	<b>58%</b>	<b>87%</b>
Reduce prison time for low-risk, non-violent offenders and re-invest some of the savings to create a stronger probation and parole system that holds offenders accountable for their crimes.	<b>52%</b>	<b>87%</b>



## The bottom line... let's reduce crime.

*It does not matter whether a non-violent offender is in prison for twenty-one or twenty-four or twenty-seven months. What really matters is the system does a better job of making sure that when an offender does get out, he is less likely to commit another crime.*

% Strongly Agree

**75%**

% Total Agree

**91%**



## Voters support spending less on prisons and reinvesting in programs that have been shown to reduce recidivism.

Prisons are a government program, and just like any other government program they need to be put to the cost-benefit test to make sure taxpayers are getting the best bang for their buck.

% Strongly Agree

% Total Agree

**63%** **84%**

Ninety-five percent of people in prison will be released. If we are serious about public safety, we must increase access to treatment and job training programs so they can become productive citizens once they are back in the community.

**66%** **89%**

# What Resonates with voters?

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- ❑ Strong public safety where offenders are held accountable throughout the system
- ❑ Identify Low Risk Offenders for alternative sanctions and mandatory supervision
- ❑ Re-invest to make the public safety system more like a business using cost-benefit analysis, maximizing public safety rather than profits

# What are the soundest investments of taxpayer dollars to increase safety?

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## □ Prisons

- Have an impact on reducing crime
- Also further “just deserts” purpose of sentencing
- Certain outcome (Incapacitate)
- Expensive (\$84/day)

## □ Programs

- Behavior change reduces crime
- Experts determine outcome (What Works?)
- Less expensive
- 93% of Oregon offenders leave prison

# What is cost-benefit analysis?

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- ❑ Move beyond “cutting costs”
- ❑ Analyze decisions like a business
- ❑ Return on Investment
- ❑ Bang for your buck
- ❑ A ratio of expected crime avoided per dollar
- ❑ Puts structure to this discussion
- ❑ Outcome is maximized crime reduction for dollars invested

# Where do we invest when we must reduce overall allocation?

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- Declining state budget will require Oregon to consider decreasing the prison population
    - Benefit of tax payer savings
    - Cost of increased crime
  - Re-Investing some of the tax payer savings in the right programs can result in a win for both tax payers and potential crime victims
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# Cost-Benefit Analysis of Incarceration

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<b>Cost-Benefit Analysis of Incarceration</b>				
	<b>Oregon</b>	<b>Washington</b>		
<b>Year</b>	<b>All</b>	<b>Violent</b>	<b>Property</b>	<b>Drug</b>
<b>1994</b>	\$2.78	\$9.57	\$2.36	\$0.37
<b>1995</b>	\$2.42	\$8.20	\$2.40	\$0.37
<b>1996</b>	\$1.98	\$7.06	\$2.23	\$0.34
<b>1997</b>	\$1.81	\$6.58	\$2.22	\$0.36
<b>1998</b>	\$1.60	\$5.85	\$1.94	\$0.36
<b>1999</b>	\$1.31	\$5.37	\$1.74	\$0.32
<b>2000</b>	\$1.10	\$5.24	\$1.61	\$0.31
<b>2001</b>	\$1.11	\$4.87	\$1.46	\$0.28
<b>2002</b>	\$0.95	\$4.46	\$1.20	\$0.26
<b>2003</b>	\$1.01	\$4.82	\$1.26	\$0.29
<b>2004</b>	\$1.01	\$4.33	\$1.18	\$0.32
<b>2005</b>	\$0.93	\$4.35	\$1.10	\$0.35
<b>2006</b>	\$0.96	N/A	N/A	N/A
<b>2007</b>	\$0.91	N/A	N/A	N/A

Source: Oregon Criminal Justice Commission and WSIPP

# Cost-Benefit and Programs

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- Are there programs effective at reducing crime?
  - Meta-Analysis
    - Based on available research
    - Washington State Institute of Public Policy analyzed 571 studies to see what works
  - In state evaluations
- Apply cost-benefit analysis to programs that reduce crime

# WSIPP Tool

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- ❑ Cost-Benefit tool to be used by states to examine criminal justice reinvestment
  - ❑ Estimates tax payers avoided costs as well as crime changes from sentencing changes
  - ❑ Estimates impact from policy choices and how likely it is the crime impact will be favorable
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Enter Sector Inputs

Enter Program Inputs

Run Models & View Reports

Main Model

Economic

Crime

Education

Child Welfare

Mental Health

Substance Abuse

Teen Births

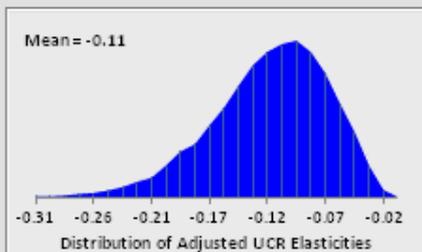
Public Assistance

Public Health

Housing

Sentencing

Inputs: Sentencing Policy Effect on ADP & Prison-Crime Elasticity Effects



Elasticity estimate-----Modal

Minimum crime reduction

Maximum crime reduction

Simultaneity Multiplier-----Modal

Low

High

Policy Multiplier-----Modal

Minimum

Maximum

Prison-Crime Elasticities and Adjustments			
UCR Total Violent	UCR Total Property	UCR Total	Felony Drug
-	-	-0.11	-0.11
-	-	-0.02	-0.02
-	-	-0.23	-0.23
-	-	2.58	2.58
-	-	1.47	1.47
-	-	3.69	3.69
-	-	0.36	0.36
-	-	0.26	0.26
-	-	0.46	0.46

Run The Sentencing Model

Select number of Monte Carlo cases:

10000

Check to include capital costs

Check to include local cjs dollars

Prison ADP impact from the sentencing policy change

-133

Inputs: Evidence-Based Program Portfolio Selection

Program	Program Cost	Victimizations Avoided			Taxpayer Benefits			Victim Benefits	Percent of Portfolio
		Mean	StdEr	Per \$1000	Mean	StdEr	State Pct.		
Vocational Education in Prison	\$1,296	0.26	0.06	0.20	\$2,719	\$561	43%	\$7,126	
Education in Prison (basic or post-secondary)	\$1,055	0.22	0.09	0.21	\$2,340	\$893	43%	\$6,008	
Cognitive Behavioral Programs in Prison	\$517	0.19	0.07	0.37	\$1,975	\$683	43%	\$5,100	50%
Correctional Industries in Prison	\$457	0.17	0.03	0.37	\$1,767	\$350	43%	\$4,628	
Drug Treatment in Prison	\$1,758	0.17	0.05	0.10	\$1,775	\$557	43%	\$4,628	
Drug Treatment in Community	\$629	0.14	0.06	0.22	\$1,823	\$781	39%	\$4,830	
Drug Courts (adults)	\$4,792	0.09	0.02	0.02	\$1,923	\$350	40%	\$4,394	
Employment Training/Job Assistance in Com	\$438	0.07	0.03	0.16	\$1,006	\$408	43%	\$2,482	

Enter % of fiscal savings from prison ADP change used to purchase eb slots: **0.8**

Enter % of state fiscal benefits to purchase additional slots: **0**

Enter portfolio percent for selected program: **0.5**

Summary Portfolio Statistics (per participant)

Victimizations	<b>0.349</b>
Standard Error	<b>0.121</b>
Average Cost	<b>1404</b>
Taxpayer Benefits	<b>3364</b>
Standard Error	<b>1168</b>
State Percent	<b>0.42</b>
Total Portfolio %	<b>0.5</b>

Results: Impact on Victimization

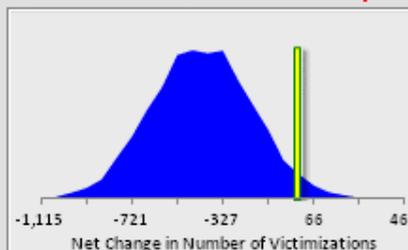
Percent of time the change in victimizations is favorable (i.e., reduced) **96%**

Net impact on victimizations **-386**

Change in victimizations from ADP sentencing policy **200**

Change in victimizations from program portfolio **-586**

Distribution of Victimization Impact



Negative numbers = fewer victimizations

Sentencing Policy Impacts

Total evidence-based program slots **1,682**

Total change in taxpayer costs **-\$5,510,255**

Direct change in prison costs from the sentencing policy **-\$590,287**

Indirect change in criminal justice costs from the sentencing policy **\$726,966**

Change in criminal justice costs from the evidence-based portfolio **-\$5,646,934**